

STANDARDS COMMITTEE

Minutes of a meeting of the Standards Committee of the Bolsover District Council held in the Council Chamber, The Arc, Clowne on Monday, 22 August 2022 at 14:00 hours.

PRESENT:-

Members:-

Ruth Jaffray (Coopted Member) in the Chair

Councillors Clive Moesby (Vice-Chair), David Dixon, David Downes, Graham Parkin and Deborah Watson.

Officers:- Jim Fieldsend (Assistant Director and Monitoring Officer) and Alison Bluff (Interim Governance Manager).

STA01-22/23 APOLOGIES FOR ABSENCE

An apology for absence was received on behalf of Councillor Chris Kane.

STA02-22/23 URGENT ITEMS OF BUSINESS

There was no urgent business to be considered at the meeting.

STA03-22/23 DECLARATIONS OF INTEREST

Councillor Deborah Watson declared a non pecuniary interest in agenda item 9 – Sub Committee of the Standards Committee and would leave the meeting at the relevant time.

STA04-22/23 MINUTES

Moved by Councillor David Dixon and seconded by Councillor Deborah Watson

RESOLVED that the Minutes of a Standards Committee held on 19th April 2022 be approved as a correct record.

STA05-22/23 COMPLAINTS UPDATE

Committee considered a report of the Monitoring Officer which provided information on the number of complaints made against parish and district councillors since 1st January 2022 to date.

The report advised that there were currently no investigations at a formal investigation stage. There were 3 outstanding complaints at an informal stage and there was 1 outstanding complaint against a parish Councillor.

Moved by Councillor David Dixon and seconded by Councillor Deborah Watson

RESOLVED that the report be noted.

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STA06-22/23 WORK PROGRAMME 2022/2023

Committee considered their work programme for 2022/23.

Moved by Councillor David Downes and seconded by Councillor Clive Moesby
RESOLVED that the work programme 2022/23 be noted.

STA07-22/23 OFFICER DELEGATION SCHEME - CONTRACT PROCUREMENT RULES

Committee considered a report regarding a proposal to change the officer delegation scheme relating to the use of the exemptions in the contract procurement rules.

The Council's Contract Procurement Rules at Part 4.8 of the Council's Constitution provided a framework for the procurement of all goods services and works for the Council.

All purchases were required to go through a set process depending on the value of the purchase, however, in exceptional circumstance these rules may not be followed.

These exceptional circumstances were set out in paragraph 4.8.4 of the rules, "*Exemptions to the Contract Procedure Rules*", and generally related to situations where there was only one possible supplier, where the contract would amount to an extension of an earlier contract or where it was urgent to award a contract without going out to tender.

The rules required that a decision to apply one of the exemptions should only be made by a Director or Assistant Director by a formal Delegated Decision. There was, however, no specific power to make such decision in the current Scheme of Delegation for Officers and so decision makers tended to use one of the general powers to exercise day to day administration and operational management. It was therefore proposed that a more specific power to use a contract exemption be included within the Scheme of Delegation and it was recommended that the following power to paragraph 4.10.9 of the Scheme of Delegation for Officers at part 3.1 of the Constitution be amended to;

To award a contract without following one of the normal procedures within part 4.8.3 of the Council's Procurement Rules provided that one of the exemptions in part 4.8.4 of the Rules can be applied and the provisions of part 4.8.4 are met.

Moved by Councillor David Downes and seconded by Councillor Clive Moesby
RECOMMENDED that Council approve the amendment to paragraph 4.10.9 of the Scheme of Delegation for Officers at part 3.1 of the Constitution;

To award a contract without following one of the normal procedures within part 4.8.3 of the Council's Procurement Rules provided that one of the exemptions in part 4.8.4 of the Rules can be applied and the provisions of part 4.8.4 are met.

(Monitoring Officer/Interim Governance Manager)

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STA08-22/23 OFFICER DELEGATION SCHEME - MAKING OF FOOTPATH DIVERSION ORDERS

Committee considered a report regarding a proposal to change the officer delegation scheme relating to the making of footpath diversion orders.

The current scheme of officer delegation enabled both the Executive Director of Resources and the Executive Director of Strategy & Development to carry out Rights of Way functions for which the Council was responsible under Schedule 1 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended). These regulations provided for the making of footpath orders under the Highways Act, however, it did not provide for footpath orders under the Town & Country Planning Act 1990.

As many footpath orders were made under the Town & Country Planning Act, the report proposed that this power was included within the delegations and the following paragraph be amended as follows;

to carry out Rights of Way functions for which the Council is responsible under Schedule 1 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended).

to:

to carry out Rights of Way functions for which the Council is responsible under Schedule 1 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended) together with rights of way powers as set out in the Town & Country Planning Act 1990.

Moved by Councillor David Dixon and seconded by Councillor Deborah Watson
RECOMMENDED that Council approve the amendment as detailed above.

(Monitoring Officer/Interim Governance Manager)

STA09-22/23 EXCLUSION OF THE PUBLIC

Moved by Councillor David Dixon and seconded by Councillor Clive Moesby
RESOLVED that under Section 100(A)(4) of the Local Government Act 1972 (as amended), the public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in the stated Part 1 of Schedule 12A of the Act and it is not in the public interest for that to be revealed. [The category of exempt information is stated after each Minute].

Having previously declared non pecuniary interest in the following item of business, Councillor Deborah Watson left the meeting.

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STA10-22/23 SUB COMMITTEE OF THE STANDARDS COMMITTEE EXEMPT PARAGRAPH 1

Committee's approval was sought to establish a sub-committee of the Standards Committee to deal with hearings in relation to complaints made against Members and also to agree a procedure to be followed at hearings. A copy of a proposed procedure was attached at Appendix 1 to the report.

The sub-committee would be made up of a panel of 3 Members from the Standards Committee to be determined by the Monitoring Officer, and also the 2 independent persons of Standards Committee, Stephen Wainwright and Ian Kirk.

A Member felt that different hearings should have different Members of the Committee on a panel and be made up of cross party Members, and that a Member who acted as chair of a hearing should have had relevant 'chair' training, and that this was documented. He added that a substitute Member should also be on hand for hearings in case one of the panel Members could not attend at the last moment.

The Monitoring Officer advised Committee that a short training session could be carried out before the start of a hearing.

Moved by Councillor David Dixon and seconded by Councillor Graham Parkin

RESOLVED that (1) a sub-committee of the Standards Committee to deal with hearings in relation to complaints made against Members be established,

(2) that the procedure for hearings as set out in Appendix 1 to the report be agreed.

(Monitoring Officer)

The meeting concluded at 14:35 hours.